

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 2, 1998

DIVISION ONE

B116184 Messner, Jr. (Not for Publication)

V.

Superior Court, Los Angeles County
(Bank of America NT & SA, r.p.i.)

The alternative writ is discharged and the petition is denied. The parties are to bear their own costs in this proceeding.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B121281 Karapanos (Not for Publication)

V.

Bally Total Fitness Corp

The orders of January 22, 1997, and July 23, 1997, are reversed insofar as each awards sanctions of \$250 against plaintiff and her counsel. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

December 2, 1998-Continued

DIVISION TWO

[illegible]

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.

B120404 People (Not for Publication)
v.
Davis

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B108827 People (Not for Publication)
v.
Gutierrez

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B121477 People (Not for Publication)
v.
Frazier

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

December 2, 1998-Continued

DIVISION TWO (Continued)

B118680 People (Not for Publication)

V.

Gonzalez

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B120115 People (Not for Publication)

V.

Brooks

The judgment is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

B118485 People (Not for Publication)

V.

Tennison

The judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting that (1) separate \$200 restitution fines were imposed pursuant to sections 1202.4 and 1202.45; (2) appellant was ordered to make restitution in the amount of \$906 directly to the victim in count 3, Darrin Cordes; and (3) the imposition of a \$50 laboratory analysis fee.

Fukuto, J.

We concur: Boren, P.J.
Zebrowski, J.

December 2, 1998-Continued

DIVISION TWO (Continued)

****Correction to the minutes of November 30, 1998****

Court convened at 9:00 a.m.

Present: Boren, P.J., Fukuto, J., Zebrowski, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

DIVISION THREE

B118936 Kimberly H. Not for Publication)
 v.
 William H.

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

12/2/98

103258-98

THE HONORABLE STEPHEN D. PETERSEN, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Three, as a Justice thereof, on the following dates:

January 4, 1999 to March 31, 1999,

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: November 24, 1998

Ronald M. George
Chief Justice of California and Chairperson of the Judicial Council

DIVISION FOUR

B103010 Chet Raspberry, Inc. (Not for Publication)

v.

Bell Helicopter Textron, Inc., et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.

Cooper (F.M.) , J. (Assigned)

B119192 People (Not for Publication)

v.

Taylor

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

B117992 People (Not for Publication)

v.

Williams

The Court:

The judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Curry, J.

December 2, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B110389 People (Not for Publication)
v.
Renteria & Tatum

The judgment are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

Each of the following:

B120310 People v. Johnny Salado
B117777 People v. Jose Cervantes
B119681 People v. Adolfo G.
B113028 People v. Arrellano & Fuentes
B120346 People v. Garcia & Sanchez
B115960 People v. Louis Peterson

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B113972 The People
 v.
 Marcus Dorell Phanor

Merits:
No appearance by appellant's counsel. Respondent counsel waived oral argument. Cause submitted.

B112358 CBT Financial Services
 v.
 Dorothy R. Brennan

Merits:
Argued by Ernest A. Martz for appellant and by E. Todd Trumper for respondent. Cause submitted.

B110807 CindyLou Prince-Herbert
 v.
 Sanwa Bank, et al.

Merits:
Argued by Peter H. Friedman for appellant in propria persona and by Marsha Hymanson for second appellant and by Lorraine M. Pavlovich for respondent. Cause submitted.

The court recessed at 9:40 a.m.

The Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

B122450 Joanne Gonzalez
 v.
 City of Claremont

Merits:
Argued by Stephen I. Zetterberg for appellant and by Irma Rodriguez for respondent. Cause submitted.

DIVISION TWO (Continued)

B125344 Catherine P.
v.
D.C.F.S.

Merits:

Argued by Catherine P. appellant in propria persona and by Stephanie Jo Farrell for respondent. Cause submitted.

B116282 The People
v.
Daniel Olvera

Merits:

Argued by Andrew H. Trott for appellant and by Mitchell Keiter, deputy attorney general, for respondent. Cause submitted.

B122347 Joe L. Bailey, et al.
v.
Virginia L. Carter, et al.

Merits:

Argued by Patricia A. Painter for appellants and by Robert J. Reamer for respondents. Cause submitted.

The court recessed at 11:05 a.m.

The Court reconvened at 11:10 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

Each of the following:

B118155 People v. Timothy O'Brien
B119465 People v. Luis Gomez
B118111 People v. Edy Ramirez
B115558 People v. Mark Estrada
B118464 People v. Rothwell Simpson

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B120133 The People
 v.
 Cheri T.

Merits:

Argued by Murray A. Rosenberg for appellant and by Susan C. Diamond, deputy attorney general, for respondent. Cause submitted.

Court recessed at 11:15 a.m.

Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and J. Belcher, Deputy Clerk.

Each of the following:

B116481 Specialty Risk v Serna

Argument waived, cause submitted.

B119188 Peggie R. Walker
 v.
 Los Angeles County Metropolitan Transit

Merits:

Argued by Adam J. Telanoff for appellant and by Matthew J. Saunders for respondent. Cause submitted.

B111152 Justin Malovec
 v.
 Charles Hamrell

Merits:

Argued by Jim Wright for appellant and by Robert M. Dato for respondent. Cause submitted.

December 2, 1998-Continued

DIVISION FIVE (Continued)

B118226 Deidre Logsdon
v.
Richard Van Rixoord

Merits:

Argued by Sonya Bekoff Molho for appellant and by Rosario Perry for respondent. Cause submitted.

B109041 Northrop Corporation
v.
Terrence F. Schielke

Merits:

Argued by Kate M. Neiswender for appellant Schielke and by Ronald L.M. Goldman for appellant Wilzig and by Jeanne Sterba for respondent. Cause submitted.

B109041 James M. Dale
 v.
 Louise D. Dale

Merits:

Argued by Louise D. Dale, appellant in propria persona and by Thomas Freeman for respondent. Cause submitted.

Court adjourned at 3:25 p.m.

DIVISION SIX

B125749 Stacy H. (Not for Publication)
v.
Superior Court of San Luis Obispo
San Luis Obispo DSS (rpi)

The petition is denied.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

December 2, 1998-Continued

DIVISION SIX (Continued)

B117524 People (Not for Publication)
v
Muelder

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

DIVISION SEVEN

B115103 Los Angeles County, D.C.S. (Not for Publication)
v.
Rosa S., et al.

The orders are affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

December 2, 1998-Continued

DIVISION SEVEN (Continued)

12-2-98

102741-98 THE HONORABLE PAUL BOLAND, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Seven, as a Justice thereof, on the following dates:

December 1, 1998 to December 31, 1998

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: October 1, 1998

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council